IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 14 OF 2005

IN

PETITION NO. 22 OF 2002

Mrs. Rekha G. Khambolja. .. Petitioner.

vs.

Mrs. Shantaben Ramanlal
Khambholja & Ors. .. Respondents.

Mr. Sanjay Jain i/by S.K. Srivastav & Co.
for the petitioner.
Mr. Ajit Kenjale for respondents.

CORAM : S.U.KAMDAR, J.

DATE : 16th August, 2005.

P.C.

. The present notice of motion has ben taken out for appointment of a Court Receiver and for injunction in respect of the property which are as under :-

(i) 11,57.69 guntas in Panchagani, Dist. Satara together with structure standing thereon,

(ii) flat No. 7, 3rd floor, Geeta Niketan, 264, Linking Road, Bandra (W), Mumbai 400 050, and

(iii) flat No. 2, 22 Shivsagar Worli, Sea Face, Mumbai - 400 018.

The petitioner in this case is widow of the deceased and the respondents nos. 1 and 2 are mother and brother of the said deceased. It is an admitted position that in so far as the properties at item nos. 2 and 3 above are concerned, the said properties are already tenanted and the tenants are in use, occupation and possession thereof. The learned counsel for the defendants states that in respect of the property at item no. 3 the petitioner has been given tenancy in respect of the part of the premises and remaining portion is in possession of the respondent no. 1. Admittedly, the respondent no. 1 is 85 years old and is not looking after the properties. According to petitioner, the respondent no. 1 is conducting a business of the guest house from the said balance property. I offered the respondents that they can run the same business in the said property mentioned at item no. 1 provided they are willing to pay some amount of money towards the livelihood of the petitioner who has no other source of income of whatsoever nature. However, the learned counsel for

the respondent is not willing to make any payment towards the maintenance of the petitioner. In the aforesaid circumstances, it is necessary that the property at item no. 1 is required to be given to the highest bidder so that part of the income can be given to the petitioner. I, therefore, appoint the Court Receiver, High Court, Bombay as the Receiver in respect of item no. 1 with the direction that the Court Receiver shall invite bids and appoint the highest bidder as agent in respect of the property at item no. 1 above. The Court Receiver will appoint such highest bidder as an agent of the Court Receiver on usual terms and conditions. In an event if the highest bidder is appointed then the petitioner will be at liberty to apply for part of the said amount deposited by the highest bidder towards her maintenance. Motion disposed of accordingly. No order as to costs. In so far as properties at item nos. 2 and 3 are concerned, there shall be an interim order and injunction in terms of prayer clause (b). Motion disposed of. No order as to costs.